



United States
Department of
Agriculture

Forest
Service

Rocky Mountain Region

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303-275-5350
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File Code: 6270
2019-FS-R2-01443-F

Date: FEB 12 2019

Lilias Jarding, Ph.D.
Black Hills Clean Water Alliance
P.O. Box 591
Rapid City, South Dakota 57709

Dear Dr. Jarding:

This letter is an acknowledgement and response to your Freedom of Information Act (FOIA) request dated December 7, 2018, and received by the Black Hills National Forest. It was referred to the Rocky Mountain Regional Office for response. Your request was assigned control number **2019-FS-R2-01443-F**. You requested:

“...any and all agency records created or obtained by the Mystic District Office or the Black Hills National Forest Office that relate to plans of operations or notices of intent for exploratory gold drilling in the Mystic District of the Black Hills National Forest. The subject matter scope of this request must be interpreted broadly, and includes but is not limited to, these specific documents:”

- *All draft or final plans of operations that have been submitted to the Forest Service since January 1, 2018 involving existing or proposed mines in the Mystic Ranger District*
- *All draft or final plans of operations and/or notices of intent referenced in the news article that ran in the Rapid City Journal on November 25, 2018 quoting Black Hills Deputy Forest Supervisor Jerry Krueger confirming that ‘four new plans of operations for exploratory gold drilling have been submitted to the Black Hills National Forest’ for federal public lands located within the Mystic Ranger District.”*

In response to your request, Forest Service personnel conducted a thorough search for responsive electronic and hard copy records. The documents you have requested are proposals for Plans of Operations for Mining Activity on the Black Hills National Forest. None of the documents have been approved. We are withholding all of the documents in whole under Exemption 4 of the FOIA.



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Lilias Jarding, Ph.D.

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Exemption 4 protects commercial or financial information, privileged or confidential, that is obtained from a person. 5 U.S.C. 552(b)(4). This exemption ensures that agencies will continually be able to obtain necessary commercial and financial information from outside the Government and that they will be able to perform their statutory responsibilities efficiently and effectively. It also protects those who submit such information to the Government from the competitive disadvantages that could result from disclosure. Because these documents are proposals and have not yet been approved, we believe they must be withheld under Exemption 4.

This concludes our response to your FOIA request; however, the FOIA provides you the right to appeal this response. Any appeal must be made in writing, within 90 days from the date of this letter, to the Chief, USDA, Forest Service: 1) by email to wo_foia@fs.fed.us; 2) by regular mail to Mail Stop 1143, 1400 Independence Avenue SW, Washington, DC 20250-1143; 3) by Fed Ex or UPS to 201 14th Street SW, Washington, DC 20250-1143 and telephone 202-205-1542. The term "FOIA APPEAL" should be placed in capital letters on the subject line of the email or on the front of the envelope. To facilitate the processing of your appeal, please include a copy of this letter and/or the FOIA case number assigned to your request **2019-FS-R2-01443-F**.

If you need any further assistance or would like to discuss any aspect of your request, please do not hesitate to contact the FOIA Public Liaison at 202-205-1542. Additionally, you may contact the Office of Government Information Services (OGIS) National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448.

Sincerely,



BRIAN FEREBEE
Regional Forester

cc: Mark E. Van Every, Kelly Honors, Misty DeSalvo